

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 OHIO SECURITY INSURANCE
COMPANY,

11 Plaintiff,

12 v.

13 PUGET SOUND ENERGY, INC.,

14 Defendant.
15

CASE NO. C18-987-MJP

ORDER TO SHOW CAUSE

16 THIS MATTER comes before the Court on Plaintiff Ohio Security Insurance Company's
17 Motion for Remand. (Dkt. No. 7.) Defendants Puget Sound Energy ("PSE") and Pilchuck
18 Contractors, Inc. ("Pilchuck") removed this case from King County Superior Court on the basis
19 of diversity jurisdiction, pursuant to 28 U.S.C. § 1332. (See Dkt. No. 1.) However, PSE and
20 Pilchuck are both Washington corporations with their principal places of business in
21 Washington. (Dkt. No. 1, Ex. 1 at ¶¶ 2.1-2.3.)

22 The Ninth Circuit has held that 28 U.S.C. § 1332 "confines removal on the basis of
23 diversity jurisdiction to instances *where no defendant is a citizen of the forum state.*" Lively v.
24

1 Wild Oats Markets, Inc., 456 F.3d 933, 939 (9th Cir. 2006) (emphasis added). This is because
2 “[t]he purpose of diversity jurisdiction is to provide a federal forum for out-of-state litigants
3 where they are free from prejudice in favor of a local litigant.’ The need for such protection is
4 absent, however, in cases where the defendant is a citizen of the state in which the case is
5 brought.” Id. at 940 (quoting Tosco Corp. v. Cmtys. For a Better Env’t, 236 F.3d 495, 502 (9th
6 Cir. 2001); see also Ocwen Loan Servicing LLC v. Felt, No. 14-0883JCC, 2014 WL 2800667, at
7 *2 (W.D. Wash. June 19, 2014) (“[D]efendants may remove an action on the basis of diversity of
8 citizenship if there is complete diversity between all named plaintiffs and all named defendants,
9 and no defendant is a citizen of the forum State.”) (quoting Lincoln Prop. Co. v. Roche, 546 U.S.
10 81, 84 (2005)).

11 As neither party raised this issue in their briefing, the parties are hereby ORDERED TO
12 SHOW CAUSE within ten days of the date of this Order why Plaintiff’s Motion for Remand
13 should not be granted in this case, where Defendants are citizens of the forum state.

14 The clerk is ordered to provide copies of this order to all counsel.

15 Dated August 31, 2018.

16
17 

18 Marsha J. Pechman
19 United States District Judge
20
21
22
23
24